

FORM PTO-1390  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

10/088037  
MTS-3321USTRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/088,037

INTERNATIONAL APPLICATION NO.  
PCT/JP01/05931INTERNATIONAL FILING DATE  
09.07.01 (09 July 2001)PRIORITY DATE CLAIMED  
12.07.00 (12 July 2000)

## TITLE OF INVENTION

DATA RECORDING APPARATUS, DATA REPRODUCING APPARATUS, DATA RECORDING METHOD,  
AND DATA REPRODUCING METHOD

## APPLICANT(S) FOR DO/EO/US

Kenji MORIMOTO; Hirofumi NAKAGAKI; Yoshiyasu KURAMOTO; Atsuo OCHI; Etsuto NAKATSU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern documents(s) or information included:

11. ☐ An Information Disclosure Statement under 37 U.S.C. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: 371 Formalities Letter; Express Mail Certificate; Return postcard

U.S. APPLICATION NO. (If known, see 37 CFR 1.492(a)(1) - (5))  
10/088,037

INTERNATIONAL APPLICATION NO.  
PCT/JP01/05931

ATTORNEY DOCKET NUMBER  
MTS-3321US

21. ☐ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492(a)(1) - (5)):**

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO... \$1040.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.... \$890.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than ☒ 20 ☐ 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	EXTRA NUMBER	RATE
Total claims	- 20 =		X \$18.00
Independent claims	- 3 =		X \$84.00

\$

MULTIPLE DEPENDENT CLAIM(S) (if applicable) ☒ + \$280.00

\$

TOTAL OF ABOVE CALCULATIONS =

\$130.00

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$

SUBTOTAL =

\$130.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 Months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$ 40.00

TOTAL FEES ENCLOSED =

\$170.00

08/30/2002 MKY PAPH 00000041 10088037

130.00 OP

Amount to be

refunded:

\$

Charged:

\$

- a. ☒ A check in the amount of \$170.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **18-0350**. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Allan Ratner  
RatnerPrestia  
P.O. Box 980  
Valley Forge, PA 19482  
Tel: (610) 407-0700

SIGNATURE

Allan Ratner  
NAME

19,717  
REGISTRATION NUMBER

August 28, 2002  
DATE

MTS-332145



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,037	Kenji Morimoto	MTS-3321US

INTERNATIONAL APPLICATION NO.
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PCT/JP01/05931

I.A. FILING DATE	PRIORITY DATE
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07/09/2001

Allan Ratner  
Ratner & Prestia  
PO Box 980  
Valley Forge, PA 19482

RECEIVED

JUL 19 2002

RATNER &amp; PRESTIA

CONFIRMATION NO. 6565

371 FORMALITIES LETTER



\*OC000000008426342\*

Date Mailed: 07/12/2002

*missing Req. (2 mo)*  
*9/12/02*  
*188*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*


KAYA L LEWIS BALTIMORE

Telephone: (703) 305-3695

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,037	PCT/JP01/05931	MTS-3321US

FORM PCT/DO/EO/905 (371 Formalities Notice)

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): K. Morimoto et al.			Docket No. MTS-3321US
Serial No. 10/088,037	Filing Date Herewith	Examiner To be assigned	Group Art Unit To be assigned
Invention: DATA RECORDING APPARATUS, DATA REPRODUCING APPARATUS, DATA RECORDING METHOD, AND DATA REPRODUCING METHOD			
I hereby certify that the following correspondence: <div style="border: 1px solid black; padding: 10px; min-height: 100px;">PTO-1390 (in duplicate) and its related enclosures</div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on August 28, 2002</p> <div style="text-align: right;"><p><u>Kathleen Libby</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p> <i>(Signature of Person Mailing Correspondence)</i></p><p><u>EV 141815484 US</u> <i>("Express Mail" Mailing Label Number)</i></p></div>			
<b>Note: Each paper must have its own certificate of mailing.</b>			